

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRACKMAN, INC.,

Plaintiff,

v.

GSP GOLF AB d/b/a GSPRO, DAVOR
BOGAVAC, SIMULATORGOLFTOUR LLC,
and CHAD COOKE,

Defendants.

Case No. 1:23-cv-598-NRB

GSP GOLF AB d/b/a GSPRO, DAVOR
BOGAVAC, SIMULATORGOLFTOUR LLC,
and CHAD COOKE,

Counterclaim Plaintiffs,

v.

TRACKMAN, INC.,

Counterclaim Defendant.

[PROPOSED] STIPULATED SOURCE CODE REVIEW PROTOCOL

WHEREAS, Plaintiff and Counterclaim Defendant TrackMan, Inc. (“TrackMan”), Defendants and Counterclaim Plaintiffs GSP Golf AB d/b/a GSPro and Davor Bogavac (together, the “GSP Parties”), and SimulatorGolfTour LLC and Chad Cooke (each a “Party” and collectively, the “Parties”) understand that they may need to produce, or otherwise make available for inspection or review, in the course of this litigation, confidential or proprietary software materials, including but not limited to source code, software project files, and other technical components (collectively, and for ease, “source code”);

WHEREAS, the Parties believe that good cause exists to set forth the process for making available and reviewing and source code to provide sufficient protection for the Parties' confidential or proprietary source code, and have discussed the terms of an appropriately tailored source code review protocol;

WHEREAS, the Parties agreed under ¶ 1(e) of the Stipulated Protective Order (ECF No. 80) to promptly negotiate, in good faith, terms governing how "Highly Confidential – Source Code" material will be made available and reviewed, and will seek to submit to the Court a separate proposed stipulated order reflecting such terms;

WHEREAS, the Parties agree upon the terms of, and the Court has found that good cause exists to issue, this source code review protocol (the "Protocol");

NOW, THEREFORE, it is hereby ORDERED that the following restrictions and procedures will apply to production, inspection, and review of source code in this action.

1. To the extent the production of source code becomes necessary in this case, a Producing Party may designate source code as "Highly Confidential – Source Code" under the Stipulated Protective Order (ECF No. 80) if it comprises or includes confidential, proprietary, or trade secret source code.

2. The definitions in this Protocol will be the same as in the Stipulated Protective Order (ECF No. 80).

3. Any source code produced in discovery will be made available for inspection in a format through which it can be reasonably reviewed and searched during normal business hours or other mutually agreeable times at a location that is reasonably convenient for the Receiving Party and any experts to whom the source code may be disclosed, including by making source code available for review by remote means.

a. The parties will enable reasonably convenient source code review by the Receiving Party and any experts by remote means.

b. The Parties will provide a Remote Desktop arrangement where the by the Receiving Party and any experts can see the entire screen and mouse and use software that includes a graphical user interface. The computer will have installed on it the following software: Understand (Understand: The Software Developer's Multi-Tool), Notepad++ (Downloads | Notepad++), Cygwin (Cygwin), Unity (Unity), Visual Studio Code (Visual Studio), Microsoft Visual Studio (Microsoft Visual Studio), Git Bash (Git Bash), Beyond Compare 4 (BC4), dtSearch (dtSearch), and any other utilities or software intended for comparing source code, as reasonably requested by the Requesting Party or its experts.

4. The Receiving Party will not copy, remove, or otherwise transfer any portion of the source code onto any recordable media or recordable device. The Producing Party may use remote means to monitor the activities of the Receiving Party's representatives during any source code review, but only to ensure that there is no unauthorized recording, copying, or transmission of the source code.

5. The Receiving Party may request paper copies of portions of source code that are reasonably necessary for the preparation of court filings, pleadings, expert reports, or other papers, or for deposition or trial, but will not request paper copies for the purposes of reviewing the source code other than electronically as set forth in ¶ 3 in the first instance. The Producing Party will provide all such source code in paper form including bates numbers and the label "Highly Confidential – Source Code." The Producing Party may challenge the amount of source code requested in hard copy form pursuant to the dispute resolution procedure and timeframes set forth in the Stipulated Protective Order.

6. The Receiving Party will maintain a record of any individual who has inspected any portion of the source code in electronic or paper form. The Receiving Party will maintain all paper copies of any printed portions of the source code in a secured, locked area. The Receiving Party will not create any electronic or other images of the paper copies and will not convert any of the information contained in the paper copies into any electronic format. The Receiving Party will only make additional paper copies if such additional copies are (a) necessary to prepare court filings, pleadings, or other papers (including a testifying expert's expert report), (b) necessary for deposition, or (c) otherwise necessary for the preparation of its case. Any paper copies used during a deposition will be retrieved by the Producing Party at the end of each day and must not be given to or left with a court reporter or any other unauthorized individual.

SO STIPULATED AND AGREED.

Dated: June 6, 2025

GOODWIN PROCTER LLP

By: /s/ Stefan Mentzer

Stefan Mentzer

Scott. T. Weingaertner

Timothy Keegan

The New York Times Building

620 Eighth Avenue

New York, New York 10018

Tel. + 1 212 813 8800

smentzer@goodwinlaw.com

sweingaertner@goodwinlaw.com

tkeegan@goodwinlaw.com

*Attorneys for Plaintiff and Counterclaim-
Defendant TrackMan, Inc.*

FRANKFURT KURNIT KLEIN & SELZ, P.C.

By: /s/ Jeremy S. Goldman

Caren Decter

Jeremy S. Goldman

28 Liberty Street, 35th Floor

New York, New York 10005

Tel. +1 212 980 0120

cdecter@fkks.com

jgoldman@fkks.com

*Attorneys for Defendants and Counterclaim-
Plaintiffs GSP Golf AB and Davor Bogavac*

FIRESTONE GREENBERGER PLLC

By: /s/ Jordan Greenberger
Jordan Greenberger
225 West 34th Street, 9th Floor
New York, New York 10122
Tel. + 1 212 597 2255
jg@firegreenlaw.com

*Attorneys for Defendants and Counterclaim-
Plaintiffs SimulatorGolfTour LLC and Chad
Cooke*

SO ORDERED.

Dated: _____, 2025

Hon. Naomi Reice Buchwald
United States District Judge